

## **Board of Respiratory Care Minutes**

**Date:** February 15, 2005

**Time:** 9:00 a.m., C.S.T

**Location:** Cumberland Room  
Ground Floor, Cordell Hull Building  
425 5<sup>th</sup> Avenue North  
Nashville, TN 37247-1010

**Members Present:** Billy Alred, Chair  
Shirley Brackett  
Charles Brownlee  
Tina Dudney M.D.  
James Hunter, II  
Delmar Mack, Ed.D  
Candace Partee

**Staff Present:** Marva Swann, Unit Director  
Nicole Armstrong, Advisory Attorney  
Jerry Kosten, Regulations Manager  
Lea Phelps, Disciplinary Coordinator

A quorum being present, Mr. Alred, Chair, called the meeting to order at 9:00 a.m.

### **Office of General Counsel**

Ms. Armstrong, after informing the Board of their responsibilities under the Conflict of Interest policy, presented to the Board the Office of General Counsel Report as follows:

Currently under review by the Attorney General:

- Tenn. Comp. R. & Regs. 1330-1-.12—regarding primary continuing education categories, multi-media continuing education courses, continuing education documentation requirements.

Roll call vote scheduled for this meeting:

- Tenn. Comp. R. & Regs. 1330-1-.03—regarding the delivery of respiratory equipment as it relates to the practice of respiratory care
- Tenn. Comp. R. & Regs. 1330-1-.22—re ABG course requirements

The office of General Counsel, Tennessee Department of Health currently has fifteen (15) open cases pertaining to the Tennessee Board of Respiratory Care. Five (5) cases pertain to Registered Respiratory Therapists; nine (9) cases pertain to Certified Respiratory Therapist; and one (1) case pertains to Respiratory Care Assistants.

### **Agreed/Consent Orders or Contested Case Hearings**

Judge Todd Kelly presided. The State was represented by Ms. Andrei Lee.

Robert Ball, CRT—Mr. Ball was found to be in default as he was not present or represented by counsel. Mr. Ball failed for the calendar year 2002 to obtain and/or submit proof documenting completion of the mandatory ten (10) hours continuing education in a timely manner. After a vote affirming the findings of fact and conclusions of law, a motion was made by Mr. Hunter and seconded by Ms. Brackett to revoke Mr. Ball's license to practice respiratory care in the State of Tennessee. The motion carried.

Lola Jill Dyer, RRT—Ms. Dyer's case was presented before the Board as an Agreed Order. Ms Dyer failed to do visual checks on a patient every two (2) hours as required and fraudulently documented having done visual checks. After a vote affirming the findings of fact and conclusions of law, a motion was made by Dr. Mack and seconded by Mr. Brownlee to accept the Agreed Order. The motion carried. Ms. Dyer's license to practice respiratory care is suspended for a period of one (1) year; thereafter said license shall be placed on probation for a period of one (1) year, effective the date this Order is entered with the Administrative Procedures Division of the Office of the Secretary of State. She shall successfully complete a board approved three (3) hour course in Ethics and a two (2) hour course in appropriate documentation to be completed during the one (1) year probationary period. The Probation shall not be lifted until the board receives proof of successful completion of said courses.

Terry J Hill, CRT—Ms. Hill's case was presented before the Board as an Agreed Order. For the calendar year 2002, Ms Hill failed to submit proof documenting completion of the mandatory ten (10) hours continuing education and/or in a timely manner. After a vote affirming the findings of fact and conclusions of law, a motion was made by Dr. Mack and seconded by Mr. Brownlee to accept the Agreed Order. The motion carried. Ms. Hill agrees to obtain fifteen (15) hours of continuing education within ninety (90) days from the effective date of this Order and further agrees to pay one-thousand one hundred fifty (\$1,150.00) dollars in civil penalties within (90) days from the effective date of this Order.

### **Letter of Reprimand**

Emily Renee Holland, RRT—Ms. Holland was given a formal Reprimand for working on an expired license. She was additionally required to pay a civil penalty of \$400.00 to be paid within thirty (30) days from the date this Reprimand is accepted/ratified by the Board. The Board voted to accept the letter of Reprimand.

### **Approval of Minutes**

A motion was made by Mr. Hunter to approve the minutes of the October 26, 2004 Board meeting as amended. It was seconded by Ms. Partee. The motion carried.

### **Applicant Interviews/File Reviews**

Judy Franko—Ms. Franko appeared before the Board seeking licensure through reciprocity. After the Board reviewed Ms. Franko's credentials and listened to her testimony, a motion was made by Ms. Partee and seconded by Dr. Mack to approve Ms. Franko for licensure without ABG endorsement. The motion carried. Mr. Hunter wanted to go on record as recommending that the Board administrative staff inform Ms. Franko as to the requirements to obtain ABG endorsement.

Glen Miller—Mr. Miller appeared before the Board due to his having more than a minor traffic offense on his record. Mr. Miller had been evaluated prior to the meeting by the Tennessee Professional Assistance Program, the peer assistance provider for the Board and they determined that it was unnecessary that he enter the program at this time. After the Board reviewed Mr. Miller's file and listened to his testimony, a motion was made by Dr. Mack and seconded by Ms. Brackett to approve Mr. Miller for licensure. The motion carried.

Quandria Nelson—Ms. Nelson appeared before the Board due to her having more than a minor traffic offense on her record. After the Board reviewed Ms. Nelson's file and listened to her testimony, a motion was made by Ms. Brackett and seconded by Mr. Brownlee to approve Ms. Nelson for licensure. The motion carried.

James Thomas—Mr. Thomas appeared before the Board seeking licensure through reciprocity. Mr. Thomas' license had been disciplined by another state. After the board reviewed Mr. Thomas' file and listened to his testimony, a motion was made by Dr Mack and seconded by Ms. Brackett to approve Mr. Thomas for licensure imposing the same stipulations placed on his license by the state of South Carolina. The motion carried.

Heather Gunter—Ms. Gunter is seeking licensure through reciprocity. Her file was presented to the Board. The applicant did not appear. A motion was made by Ms. Brackett and seconded by Mr. Brownlee that the applicant be required to appear before the Board in person before being considered for licensure. The motion carried.

### **Rules**

Jerry Kosten reported on the Rulemaking Hearing held January 6, 2005, regarding amendments to the ABG rule 1330-1-.22. Comments were presented from the Tennessee Society for Respiratory Care to suggest the inclusion of additional types of measurements and recording levels within the associated parameters of ABG endorsement. The Board determined that more information was needed to add all of the suggested parameters. However, a motion was made by Ms Partee and seconded by Dr. Mack to add hemoglobin to the parameters. The motion carried.

After facts were presented to the Board by Mr. Kosten, a motion was made by Mr. Hunter and seconded by Dr. Dudney to authorize a rulemaking hearing regarding mandatory criminal background checks for all new applicants. The motion carried.

Mr. Kosten presented rule 1330-1-.03 regarding the respiratory equipment delivery technicians to the Board for a roll call vote. The Tennessee Society for Respiratory Care informed the Board that it and the Tennessee Association for Home Care had not yet come to an agreement on the language of the rule. Mr. Kosten reminded the Board that the rulemaking hearing had been held on May 7, 2004. Ms. Armstrong explained to the Board that both of the professional associations as well as the general public had had the opportunity to comment on the proposed rule at the rulemaking hearing, and that it was not appropriate for the language of the rule to be changed beyond the scope of the rulemaking hearing. The Board voted to delay voting on the rule and await final comments from the TSRC at its May meeting.

### **Investigations and Disciplinary Report**

Lea Phelps presented the investigations and disciplinary report. There have been no complaints to date for the year 2005 and thirteen (13) have been carried forward from 2004.

### **Tennessee Professional Assistance Program**

There were two (2) new referrals since the last Board meeting. One (1) was evaluated with no monitoring necessary and one (1) successfully completed the program. A motion was made by Mr. Hunter and seconded by Ms. Partee to renew the contract for the peer assistance program with TNPAP. The motion carried.

### **Director's Report**

Marva Swann presented for the Board's information an outline of the course being offered by California College for ABG endorsement.

The financial report showed a cumulative carryover @ June 30, 2004 of \$250,526.92. Year-end statistics were not yet available at the time of the Board meeting.

All board members were asked to check with administrative staff before scheduling travel. Mileage reimbursement increased to \$0.38 per mile.

### **Proposed Position Statement**

The Board was advised that the Tennessee Society of Respiratory Care had submitted a proposed position statement regarding minimum standards for ventilator care in skilled nursing facilities and other alternate sites. Ms. Armstrong explained to the Board that the topic would have to be sunshined for discussion at its next meeting. She further stated that the authority of the Board extends over the conduct of respiratory care practitioners, and that the Board could not impose regulations on facilities. The Board asked Ms. Armstrong to revise the position statement and to send the draft to the Board members for their review before their next meeting.

## **Ratifications**

A motion was made by Ms. Partee and seconded by Dr. Mack to approve the following applicants for Respiratory Care Therapists, Reinstated Respiratory Care Therapists, Certified Respiratory Therapists, and Reinstated Certified Respiratory Therapists. The motion carried.

### **Licensed Registered Respiratory Therapists**

EMMA TAYLOR ALLEIN  
CARRIE BETH ALLEN  
ALICIA BENIA ANDERSON  
SHANNON SMITH ANDERSON  
CHARLES KENNETH BELL  
KIMBERLY STURGILL BERRY  
AMANDA HARRIS BOOHER  
STACY MARIE CASWELL  
RODNEY LEE CAUPP  
JULIE LIGHT CAVIN  
DHIREN KUMAR CHATTERJI  
LATONYA SHERIAH COOPER  
WENDY ANN DAGLEY  
KENNETH CARTER DORRIS  
RANDY GENE EDWARDS  
HEATHER RILEY FIESSINGER  
KATHLYN BULMER FISKE  
LAURA DENSIE FISKE  
JULIE MAGOLIS FUSCO  
ASHLEY NICOLE GODSEY  
TREVOR GUTHRIE  
CHRISTOPER LINDEN KELLY  
STACEY FLOYD LAMB  
BEVERLY HUFFMAN MAYNARD  
MELANIE KRISTY MCCLELLAN  
AMANDA GAIL MORGAN  
RICHARD H. MORRISON  
COLEMAN CHRISTOPHER NAGY  
GWEN ANNA-MARIE NORTH  
DANA FISHER PETERS  
MONICA SANZ-MUNOZ  
KRISTI EVANS STANLEY  
REGINA RENEE' TOWNES

### **Reinstated Licensed Registered Respiratory Therapists**

TOMMY RAY ALEXANDER  
WILLIAM ANTHONY ASHWORTH

JILL JAMES HANCOCK  
LESHA A. HILL  
DEBORAH S. MADDOX  
KENNETH WILLIAM WILSON, JR.

Licensed Certified Respiratory Therapist

GEORGE ARMSTRONG  
MARK GENE AUSTIN  
SHAWN RICHARD AUSTIN  
ARIES BLANDON  
CHASITY ANNE BROCK  
MARKENIA NICHOLE BUCKNER  
STEPHANIE YA'FE BUMPER  
TINA MARIE BURKHARDT  
PECOLA R. BURNS  
PETER CONWAY BURNS  
PAMELA KEENEY CANNON  
LORIS-MICHELLE CHISM  
MELISSA DAWN DEPRIMO  
DHRUVA L. DESAI  
LUTHER J. DORRIS  
HOLLY ANNE DOUGLAS  
TRACY FOX EDWARDS  
DELIA F. FOUST  
SHIRLEY ROGERS GARNER  
MICHAEL JOSEPH GILLEY  
KATHERINE L. GLENN  
ASHLEY NICOLE GODSEY  
KATHY ANN GWINN  
MARK ALLEN HALEY  
HEATHER RAE HALL  
LACEY STOVER HAMILTON  
ANDREA D. HARRIS  
LASHEENA WILLIAMS HARRIS  
ROCKY EMILE HENSON  
RHONDA KENDRICK HICKS  
TAMMY L. HICKS  
MORRIS HILL  
JACOB RODNEY HURD  
SARAH ELAINE HUTCHESON  
AYANNA SHONTEL JACKSON  
SUSAN SHIEK LILLY  
JASAANTUA RENEE' LINDSAY-JOHNSON  
DEBRA A. LITTON  
QUINCY K. LYTLE

JOHN E. MILL  
MELANIE NATISHA PAGE  
LOUIS ANTONIO PERKINS  
JERRY YORK POWERS  
LYEART PRIDE  
MARK D. RAULSTON  
RANDY EDWARD ROTH  
PAUL ANTHONY RUEFF  
MARYAM BIABANI SADHI  
ANDREA GRIZZLE SALTER  
MITIZI HIGGINS SAYLER  
SARA MARTIN SHAW  
CHALLOTTE RENEE' SMITH  
GLENDA R. SMITH  
ASHLEY NICOLE SPROUSE  
CASSIE DAWN STARGEL  
VICKIE L. TUCKER  
ANTHONY DEWAYNE VAUGHN  
LORI DIANE VINSON  
DONALD RAY VOORHEES  
AMBER NICHOLE WAGONER  
CHERYL VANHORN WILLIAMSON  
BRITTANY AMBER WILSON  
KELLIE YORK

Reinstated Licensed Certified Respiratory Therapists

VELMA R. CHAPMAN  
SHERRY C. DENTON  
TERI L. FARRIS  
MARGARET ANN HUNTER  
SHARON K. JOHNSON  
AMY J. RICHARDSON  
DAWN M. SHACKLEFORD  
BILLY ROSS STOKES, JR.

There being no further business, the meeting was adjourned at 11:25 am.

MS/G3015110/RCmin